



Application No. 10/764,275

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Porter et al.
Title: MODIFIED OILSEED MATERIAL
Appl. No.: 10/764,275
Filing Date: 01/23/2004
Examiner: Weier, Anthony J.
Art Unit: 1761

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.	
EV 459164950 US	February 4, 2005
(Express Mail Label Number)	(Date of Deposit)
Deborah A. Kocorowski	
(Printed Name)	
(Signature)	

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Cargill, Incorporated, having a place of business at 15407 McGinty Road W., Wayzata, Minnesota 55391, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/764,275, filed on 01/23/2004, by virtue of an Assignment filed and recorded on 09/01/2004, on Reel/Frame 015099/0570, in the United States Patent and Trademark Office. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,630,195, which issued on U.S. Patent Application No. 09/717,923, filed on 11/21/2000, by virtue of an Assignment filed and recorded on 04/09/2001, on Reel/Frame 011691/0545, in the United States Patent and Trademark Office. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,777,017, which issued on U.S. Patent Application No. 09/989,743, filed on 11/20/2001, by virtue of an Assignment filed and recorded on 06/24/2002, on Reel/Frame 013026/0135, in the United States Patent and Trademark Office.

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Your Petitioner, Cargill, Incorporated, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above identified patent application which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patents 6,630,195 and 6,777,017. Your petitioner hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patents 6,630,195 and 6,777,017 shall be the same as the legal title to any patent granted on the above identified patent application. This agreement runs with any patent granted on the above identified patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above identified patent application that would extend to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patents 6,630,195 and 6,777,017 in the event that U.S. Patents 6,630,195 and 6,777,017:

- expire for failure to pay maintenance fees;
- are held unenforceable or found invalid in a final judgment by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer;
- except for the separation of legal title stated above.

Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patents 6,630,195 and 6,777,017 in the event that the terms of U.S. Patents 6,630,195 and 6,777,017 are extended by any present or future provision of the patent law including but not limited to compliance with the conditions for patent term extension provided in 35 U.S.C. §§155, 155A or 156, and Petitioner does not waive the right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned (whose title is supplied below) certifies that he is empowered to sign this Terminal Disclaimer on behalf of the assignee. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date February 4, 2005

By TJ Phinney
Title Vice President

Cargill, Incorporated